

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRITISH TELECOMMUNICATIONS PLC :
and BT AMERICAS, INC., :
 :
Plaintiffs, :
 :
v. : C. A. No. 18-1018-CFC-MPT
 :
FORTINET, INC., :
 :
Defendant. :

ORDER

At Wilmington this **25th** day of **February, 2020.**

IT IS ORDERED that:

1. Pursuant to the Order of October 3, 2018 referring certain matters to Chief Magistrate Judge Thyne pursuant to 26 U.S.C. § 6363(b), a telephonic scheduling conference is set for **Wednesday, March 11, 2020 at 3:00 p.m. Eastern time to be initiated by counsel for plaintiff.**

2. On or before **Friday, March 6, 2020 by no later than 4:00 p.m.**, counsel shall submit a joint proposed scheduling order which shall be consistent with the requirements of Judge Connolly and the requirements of Judge Thyng for those areas that each judge will be handling in this matter.

a. Judge Thyng will be conducting all proceedings related to discovery, dispositive and nondispositive motions, except for *Daubert* and summary judgment motions. Judge Connolly will be handling *Daubert* and summary judgment motions, the pretrial conference and trial. Therefore, the proposed scheduling order

shall include:

b. For Judge Thyng:

i. her discovery dispute procedure, including the scheduling of a discovery dispute teleconference; Judge Thyng's language for briefing on claim construction including the filing date for the joint claim construction brief which shall be occur no less than **seven (7) days** before the *Markman* Hearing. The scheduling order shall include a proposed date or time frame for the *Markman* hearing. Regarding the number of claims terms in dispute, the parties shall proposed a date when the total number of claim terms in issue shall be provided. Counsel shall have no more than fourteen (14) days for objections, limited to ten (10) pages after the issuance of the *Markman* Report and Recommendation, with responses to any objections due fourteen (14) days after the filing objections, limited to ten (10) pages. Counsel are cautioned to include not less than seventy (70) days after completion of objections to the Report and Recommendation on claim construction to allow review and the issuance of an opinion on the objections by Judge Connolly.

ii. Submissions subject to Judge Thyng's review may be in 12 point font, double spaced, **single sided with page numbers included**. Double sided submissions will be rejected.

c. For Judge Connolly, counsel shall use his scheduling order language, including but not limited to font size, summary judgment motions and briefing, *Daubert* and *in limine* motions and briefing, the due date for the proposed pretrial order, its contents and the timing for its filing. Counsel shall propose a date or

time frame for the pretrial conference, trial and length of trial. Counsel will be advised of the date for the pretrial, trial, and the length of trial at the time of the pretrial conference.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge